

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



July 8, 2019

FID 445196400
Outagamie County
SW/Correspondence

Mr. Brian Van Straten
Outagamie County Recycling & Solid Waste Department
1419 Holland Road
Appleton, WI 54911

SUBJECT: Completeness Determination for the for the Feasibility Report for the proposed
Outagamie County Northwest Landfill (Monitoring #4804)

Dear Mr. Van Straten:

The Department of Natural Resources (department) has reviewed for completeness the report entitled, "Feasibility Report, Outagamie County Northwest Landfill," dated September 21, 2018. The feasibility report was prepared by Foth Infrastructure & Environment, LLC (Foth) on behalf of Outagamie County (County). The department received the report from Foth on behalf of the County on September 26, 2018. The department has also reviewed "Addendum No.1 to the Feasibility Report," also prepared by Foth, which was dated and received by the department on May 9, 2019.

Based on our review, the department has determined that the feasibility report is complete. This is not an approval of site feasibility, but does confirm that the minimum information required by ch. NR 512, Wis. Adm. Code, has been provided.

The department will post the enclosed notice on its website at <http://dnr.wi.gov/topic/Waste/Comment.html> and in the *Wisconsin State Journal* and the *Appleton Post Crescent* as a class 1 public notice. The department will also post electronic copies of the feasibility report, addenda and associated documents on its website. Once the notice and feasibility documents are posted on the website, a 30-day public comment period will begin.

Outagamie County will need to distribute copies of the feasibility report and addendum to the addresses listed in Attachment 1, before the start of the 30-day public comment period. Attachment 1 contains a list of addresses for each affected municipality and associated public libraries. The department will send copies of this completeness determination letter, the project summary and the public notice to the addresses provided in Attachment 1.

Although the minimum information required for completeness has been received by the department, we request the following additional information before we make a feasibility determination:

1. Please verify if private water supply wells are located at 3255 North French Road and 3411 North French Road. Furthermore, the properties at these two addresses appear to have been recently purchased by French Road, LLC, similar to the Hoh, Dorn, and Appleton Northeast Storage, LLC properties. If available, please provide information about the new property owner's plans for future use of these properties.

2. Please provide a copy of the wetland permit that was issued by the department on October 17, 2018, as well as an update on the decision made by the United States Army Corps of Engineers (USACE) regarding wetland permitting requirements.
3. Please provide proposed monitoring requirements for the gradient control system in the Sampling and Analysis Plan (SAP) and the criteria that will be used to determine when collection from the system can stop.
4. Comment number 18 in the department's November 20, 2018 incompleteness letter requested Section 8.23 of the feasibility report be modified in addition to modification to the sampling and analysis plan (SAP). Please provide a modified Section 8.23 that is consistent with the proposed SAP.
5. Please address the following questions and concerns regarding the ch. NR 140, Wis. Adm. Code, groundwater standard exemption requests included in Addendum No. 1:
 - a. The department's review of the baseline groundwater monitoring data and ch. NR 140, Wis. Adm. Code, groundwater standard exemption requests included in Addendum No. 1 has identified several exemption requests that may not be warranted. This is based on the observed difference in concentrations detected in samples using EPA Method 6010 versus EPA Method 6020. It appears that, in many cases, samples collected after March 2018, and therefore analyzed using Method 6020, have reported results that are much lower than samples collected prior to March 2018, and analyzed using Method 6010.

After closer review of the baseline data, it appears several exemptions requested are based on one or two enforcement standard/preventive action limit (ES/PAL) exceedances (typically j-flagged) that resulted from use of Method 6010 during the first two rounds of baseline monitoring (November and December 2018). Subsequent results using the Method 6020 were then typically non-detect or had much lower concentrations. It appears in some cases where an ES exemption was requested a PAL exemption may actually be more appropriate based on the data collected using Method 6020, and in other cases an exemption to the PAL or ES may not be warranted at all. This is particularly evident for arsenic, antimony, lead, thallium, and vanadium.

The department requests that additional rounds of samples be collected using analytical Method 6020 so that four complete sample rounds using Method 6020 are available to evaluate if the appropriate exemptions are being requested. Exemption requests should then be revised as needed. Please note a discussion of why exemptions are warranted for each well and parameter should be provided in the feasibility report.

- b. Please specify if exemptions requested for manganese are for the public health PAL/ES or the public welfare PAL/ES.
- c. Section 5.1.3.6 in the feasibility report indicates volatile organic compounds (VOCs) were detected at concentrations exceeding the ch. NR 140, Wis. Adm. Code, ES and/or PAL at a few of the groundwater monitoring wells. Addendum No. 1 does not include exemption requests for the VOCs. As indicated in the department's November 20, 2018 incompleteness letter, the department may not approve a proposed facility at a location where a PAL or ES adopted under s. NR 140.10 or 140.12, Wis. Adm. Code, has been attained or exceeded unless an exemption has been granted under s. NR 140.28, Wis. Adm. Code. This requirement applies to VOCs in addition to health-related metals and other substances. Please provide exemption requests for the VOCs, where appropriate.

- d. Section 5.1.3.6.3 in the feasibility report indicates tetrahydrofuran (THF) was detected at concentrations exceeding the PAL in the newly installed groundwater monitoring well P-112C during each of the first four rounds of baseline sampling. The report further indicates P-112C is nested with wells monitored for the East and West landfill that have had ongoing detections of THF and that the presence of THF detected at the newly-installed well may be attributable to either the carry down of water during the drilling/well installation process through the Unit B zone known to contain THF in the groundwater; or groundwater that may be affected by leachate from the unlined West Landfill. Since the data indicated THF may be present in Unit C, the department believes the source of THF near the P-112 well nest needs to be investigated further. Please provide an NR 140 Response in accordance with s. NR 140.24 or NR 140.26, Wis. Adm. Code. The response should further evaluate of the cause, significance, and extent of the THF exceedances and provide a response that will meet the objectives in s. NR 140.24(2), Wis. Adm. Code. Please note, the department recommends Outagamie County consider abandoning and replacing any monitoring well that has potentially been constructed using PVC glue as a possible response to help give the ability to differentiate THF that may be from coming from the West landfill versus from monitoring well itself.
6. Please address the following questions and concerns regarding the needs and site life analysis:
- a. Table 11-5 (revised 3/19) provided in Addendum No. 1 indicates the remaining airspace and waste capacities reported on the table are as of January 1, 2018. The remaining airspace and waste capacities for the Outagamie County Northeast landfill are different on the revised table than they are on Table 11-5 in the original feasibility submittal, which also reports numbers as of January 1, 2018. It appears the numbers on the revised Table 11-5 may actually be numbers as of January 1, 2019. Please clarify.
 - b. Table 11-6 (revised 3/19) provides the current projected annual landfill capacity for the Northeast landfill since 2019. However, the footnote indicates the 2018 entry is taken from Tables 11-1 and 11-5 (assumed to be the capacity as of January 1, 2018), but appears to begin calculations in 2019. Furthermore, the beginning capacity used in the calculation is 3,086,067 tons, which does not match any of the numbers on the revised Table 11-5. Please clarify if these calculations start with the beginning of 2018 or the beginning of 2019 and recalculate if appropriate.
 - c. Please review revised Table 11-7 and Table 11-8 and revise as necessary to ensure the correct starting remaining capacity and starting year is being used in the calculation. It appears both use a starting capacity for the Northeast landfill of 3,086,067 tons, but one starts the calculation with annual waste disposal in 2018 (Table 11-7) and the other starts with 2019 (Table 11-8).
 - d. The department received a letter dated May 6, 2019 from the directors of the Brown, Outagamie, and Winnebago County (BOW) Solid Waste Planning group (also included in Attachment 10 of Addendum No. 1) that indicates the BOW group intends to continue permitting both the Brown County South and Outagamie County Northwest landfills at the same time. The letter also implied the two landfills may operate at the same time. The operation of both landfills at the same time would likely impact the anticipated service area and disposal rate for the Outagamie County Northwest landfill and subsequently the site life of the landfill. Please provide clarification and an evaluation of the site life of the Outagamie County Northwest Landfill with the anticipated service area and waste disposal rate for both landfills operating at the same time, including the anticipated timeframe in which both landfills will be operating.

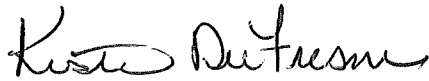
7. Please address the following comments on the SAP provided in Attachment 11 of Addendum No. 1:
- a. Please clarify the second paragraph in Section 2.1 where it indicates the number of proposed “Subtitle D” wells. The first sentence indicates three wells are proposed to be Subtitle D wells, but the remainder of the section indicates four wells are proposed to be Subtitle D wells. Section NR 507.15 (2)(a), Wis. Adm. Code, requires the feasibility report propose a minimum of four Subtitle D wells.
 - b. The proposed detection monitoring parameters for groundwater are for all waste types (as listed in ch. NR 507, Wis. Adm. Code, Appendix I, Tables 1 and 2). Please keep in mind that the department only requires detection monitoring parameters for other waste types if the volume for that waste type exceeds 10% by volume.
 - c. Section 5.2.3 references gas probes in the second sentence, but the section discusses gas extraction well monitoring. Please clarify.
 - d. Section 8.1 indicates data should be reported electronically to the department within 60 days of the end of the sampling period in accordance with s. NR 507.27, Wis. Adm. Code, and that a sampling period means the quarter in which a sample is collected. This conflicts with the code definition of sampling period in s. NR 500.03 (204), Wis. Adm. Code, which states that the “sampling period” means the month in which a sample is collected.
 - e. Please clarify what footnote b associated with OW-416AR should indicate.
 - f. It appears OW-112E may be labeled as P-112 E on Figure 2. Please revise Figure 2 as appropriate.
 - g. Please note the Storm Water Program commented that the sampling program for storm water run-off will need to include total phosphorus and total suspended solids because the landfill is located within the Lower Fox Total Maximum Daily Load (TMDL) area .
 - h. Please verify all the gas extraction wells are listed on Table 14. It appears some of the wells shown on Figure 3 may be missing.
 - i. Please specify on Table 17, which months quarterly parameters for leachate recirculation will be monitored.
 - j. Please ensure m-dichlorobenzene, o-dichlorobenzene, and p-dichlorobenzene are included on the list of required semi-volatile organic compounds in Table 18 as they appear to be missing.

On a separate, but related issue, please note before the department can grant the exemptions to s. NR 504.04(3)(f), Wis. Adm Code, for private water supply wells within 1,200 feet of the proposed Outagamie County Northwest landfill limits of waste, the NR 812 variance applications for those private water supply wells must be received by the department.

Please keep in mind that as the department continues its feasibility review and after the department receives comments from the public, the department may request additional information that the department determines is necessary to make a feasibility determination.

If you have any questions regarding this letter, please contact Jackie Marciulionis, Hydrogeologist, at 920-662-5433 or Jackie.Marciulionis@wisconsin.gov by email or Tess Brester, Waste Engineer, at 920-662-5160 or Tess.Brester@wisconsin.gov by email if you have any questions about this letter.

Sincerely,



Kristin DuFresne
Waste and Materials Management Program Supervisor
Northeast Region

cc: Greg Parins, Outagamie County Recycling & Solid Waste Department (e-copy)
Chris Anderson, Foth (e-copy)
Marty Sturzl, Foth (e-copy)
Bob Meller, Foth (e-copy)
Heather Hallet, Foth (e-copy)
Jon Tortomasi, Jacobs (e-copy)
Crystal Reuss, Jacobs (e-copy)
Lori J. O'Bright, County Clerk, Outagamie County
Laurie Decker, Village Clerk, Village of Little Chute
Karen Weinschrott, Town Clerk, Town of Grand Chute
Kami Lynch, City Clerk, City of Appleton
Appleton Public Library
Gerard H. Van Hoof Library
Brian Hayes, Wisconsin Waste Facility Siting Board
Nick Domer, Corps of Engineers Green Bay Field Office
R Ebben, 3217 East First Avenue, Appleton, WI 54911
Clint DeKeyser, 2909 North French Road, Appleton, WI 54911
Eric Jacobson, French Road, LLC, 1223 Appleton Road, Menasha, WI 54952
Appleton Northeast Storage, 3431 North French Road, Appleton, WI 54911
Robert Hoh or Current Occupant, 3117 North French Road, Appleton, WI 54911
Gerald Dorn or Current Occupant, 3111 North French Road, Appleton, WI 54911

Department of Natural Resources cc:

Jackie Marciulionis, DNR/WA (e-copy)
Tess Brester, DNR/WA (e-copy)
Joe Lourigan, DNR/WA (e-copy)
Valerie Joosten, DNR/WA (e-copy)
File – DNR, Green Bay Service Center

Attachment 1: Addresses for Affected Municipalities and Associated Public Libraries

Outagamie County

Outagamie County Government Center
320 S. Walnut Street
Appleton, WI 54911
Attn: Lori J. O'Bright, County Clerk

Village of Little Chute

Little Chute Village Hall
108 W. Main Street
Little Chute, WI 54140
Attn: Laurie Decker, Village Clerk

Gerard H. Van Hoof Library
625 Grand Avenue
Little Chute, WI 54140
Attn: Library Director or Branch Manager

Town of Grand Chute

Grand Chute Town Hall
1900 W. Grand Chute Boulevard
Grand Chute, WI 54913
Attn: Karen Weinschrott, Town Clerk

City of Appleton

Appleton City Hall
100 N. Appleton Street
Appleton, WI 54911
Attn: Kami Lynch, City Clerk

Appleton Public Library
225 N Oneida Street
Appleton, WI 54911
Attn: Library Director or Branch Manager

Note: The department will provide a copy of the feasibility report and addendum at:

The Wisconsin Department of Natural Resources Green Bay Service Center
2984 Shawano Avenue
Green Bay, WI 54313
Contact: Jackie Marciulionis, 920-662-5433 or Jackie.Marciulionis@wisconsin.gov